
(2002) 01 PAT CK 0017
In the Patna High Court
Case No : CWJC No. 9801 of 1999

Kamta Prasad Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 22-01-2002

Acts Referred:

Constitution of India, 1950 — Article 243G

Citation : (2002) 1 PLJR 637

Hon'ble Judges : Ravi S. Dhavan, C.J.; Shashank Kr. Singh, J

Bench : Division Bench

Advocate : Jainandan Singh, for the Appellant; S.K. Ghose, for the Respondent

Judgement

1. The cause as was brought before the Court clearly related to inaction in planning of adequate waters not being available to villagers down-stream as it was contended on behalf of the Petitioners that certain villagers up-stream had made an unplanned and irregular dam obstructing the flow of water to the villages. By the time the Court has issued a notice and had a report called from the District Magistrate it was discovered that the area fell within the jurisdiction of four Panchayats. This meant coordination on a meeting between the four Panchayats. Accordingly, the District Magistrate, Jehanabad was required to call a meeting of the four Mukhiyas heading the four Panchayats. A working plan which was hitherto missing for the area was drawn up. This matter was clearly covered under the Eleventh Schedule of the Constitution read with Article 243-G under Part V, the chapter on Panchayats. Item No. 3 to the Eleventh Schedule mentions "minor irrigations, water management and water shade development". Between the Add. Advocate General II and learned Counsel for the Petitioner, both have stated upon instructions that the four Panchayats have come together and have taken care of the planning required in the area so that the water flows eventually without obstruction.

2. In so far as this matter is concerned as a Public Interest Litigation, the purpose has been served. During the pendency of the matter, since it was filed

on 27 September 1999, the Court has seen the passage of Panchayats with elected representatives functioning as part of local self government.

3. As this Court gave its orders effective 22.3.2001, Panchayats as institutions of local self government are participating and seeking the feel of local government. The matter which has engaged the attention of the four Panchyats, in context, in district Jehanabad, is only an example of the Panchayats in action.

4. Hereinafter it will not be appropriate that the Court should monitor this matter as it may be mis-understood as monitoring the function of four Panchayats which have already engaging their attention to the local problems on the sharing of the waters of the tributary Morher.

5. The proceeding in this case, thus, must close.

6. Consigned.